

ESTTA Tracking number: **ESTTA594371**

Filing date: **03/24/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	NVIDIA Corporation
Granted to Date of previous extension	03/23/2014
Address	2701 San Tomas Expressway Santa Clara, CA 95050 UNITED STATES
Attorney information	Mark A. Jansen Fenwick & West LLP 801 California Street Mountain View, CA 94041 UNITED STATES trademarks@fenwick.com Phone:(650) 988-8500

Applicant Information

Application No	85965860	Publication date	09/24/2013
Opposition Filing Date	03/24/2014	Opposition Period Ends	03/23/2014
Applicant	Neonode, Inc. 2350 Mission College Blvd., Suite 190 Santa Clara, CA 95054 GERMANY		

Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Electronic proximity sensors and switches; Electronic touch sensitive switches; Proximity sensors; Touch pads; Touch panels; Touch screens; Touchscreen monitors; Touchscreen sensors; Facsimile machines; Fax devices; Fax machines; Ink jet printers; Laser color printers; Laser printers; Multifunction electronic devices for use in copying, printing, scanning, video capturing and/or transmitting documents and images; Multifunctional devices which incorporate copier and facsimile functions in the standalone mode; Navigation apparatus for vehicles in the nature of on-board computers; Navigational instruments for vehicles; Notebook and laptop computers; PC tablets; Printers for use with computers; Protective covers and cases for cell phones, laptops and portable media players; Protective covers for smartphones; Electrical control systems for household appliances, namely, refrigerators, freezers, ovens, cooktops, dishwashing machines, clothes washing machines and clothes dryers, comprised of proximity sensors, touch pads, touch panels and virtual displays for use in connection with activation controls, temperature controls, energy controls, wash cycle controls and dry cycle controls; Electrical control systems for automotive vehicles comprised of proximity sensors, touch pads, touch panels and virtual displays for use in connection with on-board engine controls, stability controls, braking controls, energy controls, audio features, display features, lighting features and comfort control features

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3145809	Application Date	02/07/2002
Registration Date	09/19/2006	Foreign Priority Date	NONE
Word Mark	GEFORCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2004/10/00 First Use In Commerce: 2004/10/00 Computer hardware, namely, integrated circuits, semiconductors and chipsets		

Related Proceedings	91211281
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Attachments	76367977#TMSN.gif(bytes) Notice of Opposition.pdf(176193 bytes) Status Search RN 3145809.pdf(148269 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Signature	/MJANSEN/
Name	Mark A. Jansen
Date	03/24/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark App. Ser. No. 85/965,860

Filed: June 20, 2013

Published: September 24, 2013

Mark: ZFORCE

NVIDIA Corporation,)
Opposer,)
)
vs.)
)
Neonode Inc.,)
Applicant.)
)

NOTICE OF OPPOSITION

NVIDIA Corporation (“Opposer”), a Delaware corporation having a principal place of business at 2701 San Tomas Expressway, Santa Clara, CA 95050, believes that it will be damaged by registration of the mark ZFORCE (“Applicant’s Mark”) as shown in Application Serial No. 85/965,860 (the “Application”), filed by Neonode Inc. (“Applicant”), and hereby opposes the Application, alleging as grounds for the opposition that:

1. As is evidenced by the publication of Applicant’s Mark in the September 24, 2013 issue of the Official Gazette, Applicant seeks to register the mark in International Class 9 for: “Electronic proximity sensors and switches; Electronic touch sensitive switches; Proximity sensors; Touch pads; Touch panels; Touch screens; Touchscreen monitors; Touchscreen sensors; Facsimile machines; Fax devices; Fax machines; Ink jet printers; Laser color printers; Laser printers; Multifunction electronic devices for use in copying, printing, scanning, video capturing and/or transmitting documents and images; Multifunctional devices which incorporate copier and facsimile functions in the standalone mode; Navigation apparatus for vehicles in the nature of

on-board computers; Navigational instruments for vehicles; Notebook and laptop computers; PC tablets; Printers for use with computers; Protective covers and cases for cell phones, laptops and portable media players; Protective covers for smartphones; Electrical control systems for household appliances, namely, refrigerators, freezers, ovens, cooktops, dishwashing machines, clothes washing machines and clothes dryers, comprised of proximity sensors, touch pads, touch panels and virtual displays for use in connection with activation controls, temperature controls, energy controls, wash cycle controls and dry cycle controls; Electrical control systems for automotive vehicles comprised of proximity sensors, touch pads, touch panels and virtual displays for use in connection with on-board engine controls, stability controls, braking controls, energy controls, audio features, display features, lighting features and comfort control features.” The Application was filed on June 20, 2013, based solely on Applicant’s intent to use.

2. Opposer is the owner of a number of similar U.S. trademark registrations, including but not limited to:

Trademark	Reg. No./ Reg. Date	Class: Goods
GEFORCE	3,145,809 Sept. 19, 2006	9: Computer hardware, namely, integrated circuits; semiconductors and chipsets.

Said trademark is valid and subsisting and is conclusive evidence of Opposer’s exclusive right to use the mark in commerce in connection with the goods specified therein. Opposer hereby gives notice that it will rely on said registration in this proceeding. Attached to this Notice of Opposition is a current printout of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the aforementioned trademark registration.

3. There is no issue as to priority. Opposer commenced use of the GEFORCE mark prior to the filing date of the Application, and Opposer's registration was filed and matured to registration prior to the filing date of the Application. In addition, Opposer's GEFORCE mark became famous prior to the filing of Applicant's Mark. GEFORCE and ZFORCE are visually and aurally similar. In view of the similarities of the respective marks and the related nature of the goods of the respective parties, it is alleged that Applicant's Mark so resembles Opposer's GEFORCE mark as to be likely to cause confusion or mistake or to deceive, thereby causing loss, damage, and injury to Opposer and the purchasing public, and to dilute the distinctive quality of Opposer's famous GEFORCE mark, thereby causing loss, damage, and injury to Opposer and the purchasing public.

4. Opposer, founded in 1993, is a worldwide leader in the design and development of computer graphics hardware, software and related services. Since at least as early as October 2004, Opposer or its predecessors in interest have marketed and sold computer hardware in connection with the GEFORCE mark.

5. The aforementioned nationwide trademark use of GEFORCE by Opposer has been valid and continuous since the date of first use and has not been abandoned. As a consequence of Opposer's extensive marketing, promotion, advertising, and sales activity, Opposer's GEFORCE mark has come to be identified as a designator of Opposer's goods, and as a result, has become a valuable asset of Opposer, and a principal symbol of its goodwill, and fame. Opposer's GEFORCE mark became famous prior to the filing of Applicant's Mark. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Applicant's Mark so resembles Opposer's GEFORCE Mark previously used in the United States, and not abandoned, as to be likely to cause confusion or mistake or to deceive,

thereby causing loss, damage, and injury to Opposer and the purchasing public, and to dilute the distinctive quality of Opposer's famous GEFORCE mark, thereby causing loss, damage, and injury to Opposer and the purchasing public.

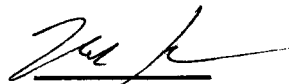
6. Opposer believes and therefore alleges that Applicant lacks a bona fide intent to use Applicant's Mark in commerce in connection with the goods listed in the Application.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained, that Applicant's Trademark Application Serial No. 85/965,860 be rejected, and that Applicant be denied registration of ZFORCE as a trademark for the goods specified in the Application.

Please charge any requisite fees for this Notice of Opposition to our Deposit Account No. 50-0261.

Respectfully submitted,

Dated: March 24, 2014



Sally M. Abel
Eric Ball
Mark A. Jansen
Attorneys for Opposer
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
650-988-8500

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of March, 2014, a true and correct copy of the foregoing

NOTICE OF OPPOSITION

was served on Applicant via electronic mail by agreement of the parties to the following:

LORI S KOZAK

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/Mark A. Jansen/

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Trademark Status & Document Retrieval (TSDR)

SEARCHMULTI-SEARCH?

US Registration No3145809StatusDocuments

Status results found

STATUS		DOCUMENTS				Download		Print Preview	
Generated on: This page was generated by TSDR on 2014-03-24 18:19:42 EDT									
Mark:		GEFORCE							
US Serial Number:		76367977			Application Filing Date:		Feb. 07, 2002		
US Registration Number:		3145809			Registration Date:		Sep. 19, 2006		
Register:		Principal							
Mark Type:		Trademark							
Status:		A Sections 8 and 15 combined declaration has been accepted and acknowledged.							
Status Date:		Sep. 21, 2012							
Publication Date:		Jul. 05, 2005			Notice of Allowance Date:		Sep. 27, 2005		
▼ Mark Information									Collapse All
Mark Literal Elements:		GEFORCE							
Standard Character Claim:		No							
Mark Drawing Type:		1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)							
▼ Related Properties Information									
Claimed Ownership of US Registrations:		2729964, 2855446							
▼ Goods and Services									
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none">• Brackets [...] indicate deleted goods/services;• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of• Asterisks *..* identify additional (new) wording in the goods/services.									
For:		Computer hardware, namely, integrated circuits, semiconductors and chipsets							
International Class(es):		009 - Primary Class			U.S Class(es):		021, 023, 026, 036, 038		
Class Status:		ACTIVE							
Basis:		1(a)							
First Use:		Oct. 2004			Use in Commerce:		Oct. 2004		
▼ Basis Information (Case Level)									

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ **Current Owner(s) Information**

Owner Name:	NVIDIA Corporation				
Owner Address:	2701 San Tomas Expressway Santa Clara, CALIFORNIA 95050 UNITED STATES				
Legal Entity Type:	CORPORATION	State or Country Where Organized:	DELAWARE		

▼ **Attorney/Correspondence Information**

Attorney of Record

Attorney Name:	Sally M. Abel, Esq.	Docket Number:	25999-00070		
Attorney Primary Email Address:	trademarks@fenwick.com	Attorney Email Authorized:	Yes		

Correspondent

Correspondent Name/Address:	Sally M. Abel, Esq. Fenwick & West LLP 801 California Street Silicon Valley Center Mountain View, CALIFORNIA 94041 UNITED STATES				
Phone:	(650) 988-8500	Fax:	(650) 938-5200		
Correspondent e-mail:	trademarks@fenwick.com	Correspondent e-mail Authorized:	Yes		

Domestic Representative - Not Found

▼ **Prosecution History**

Date	Description	Proceeding Number
Sep. 21, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 21, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76533
Sep. 21, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Aug. 31, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jun. 16, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 16, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Oct. 03, 2006	UNDELIVERABLE MAIL - NO ACTION TAKEN	99888
Sep. 19, 2006	REGISTERED-PRINCIPAL REGISTER	
Aug. 04, 2006	LAW OFFICE REGISTRATION REVIEW COMPLETED	76985
Jul. 28, 2006	ASSIGNED TO LIE	76985
Jul. 25, 2006	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 21, 2006	STATEMENT OF USE PROCESSING COMPLETE	65362
Jul. 21, 2006	EXTENSION 2 GRANTED	65362

Jun. 29, 2006	EXTENSION 2 FILED	65362
Jun. 29, 2006	USE AMENDMENT FILED	65362
Jun. 29, 2006	TEAS EXTENSION RECEIVED	
Jun. 29, 2006	TEAS STATEMENT OF USE RECEIVED	
Apr. 01, 2006	EXTENSION 1 GRANTED	61813
Mar. 17, 2006	EXTENSION 1 FILED	61813
Mar. 17, 2006	TEAS EXTENSION RECEIVED	
Nov. 16, 2005	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 27, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 05, 2005	PUBLISHED FOR OPPOSITION	
Jun. 15, 2005	NOTICE OF PUBLICATION	
Mar. 26, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	68658
Mar. 25, 2005	ASSIGNED TO LIE	68658
Mar. 22, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2005	AMENDMENT FROM APPLICANT ENTERED	76539
Jan. 21, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76539
Jan. 25, 2005	PAPER RECEIVED	
Jul. 20, 2004	NON-FINAL ACTION MAILED	
Mar. 03, 2004	CASE FILE IN TICRS	
Jun. 26, 2002	LETTER OF SUSPENSION MAILED	
Jun. 07, 2002	ASSIGNED TO EXAMINER	76076
May 30, 2002	ASSIGNED TO EXAMINER	75589

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Sep. 21, 2012

▼ Assignment Abstract Of Title Information - Click to Load

▼ Proceedings - Click to Load

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- » [Department of Commerce NoFEAR Act Report](#)
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- » [Strategy Targeting Organized Piracy \(STOP!\)](#)
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